

ORDINANCE NO. 597

AN ORDINANCE OF THE TOWN OF EASTON AMENDING THE TOWN OF
EASTON ZONING ORDINANCE

INTRODUCED BY _____

WHEREAS, the Town of Easton is authorized by Maryland Annotated Code Article 66B §4.01 *et seq.* to enact and administer a zoning ordinance, which ordinance is Chapter 28 of the Easton Town Code; and

WHEREAS, the Town of Easton is authorized by Maryland Annotated Code Article 66B §§4.04 and 4.05 to amend, supplement, modify or repeal sections of the zoning ordinance; and

WHEREAS, the Easton Planning and Zoning Commission generally considers a packet of amendments to the Zoning Ordinance on an annual basis and the amendments proposed herein represent the 2012 packet of amendments; and

WHEREAS, the Easton Planning and Zoning Commission considered the matter at its January 19, 2012 meeting and has recommended that the Town Council approve the amendments outlined in this Ordinance.

NOW, THEREFORE, the Town of Easton hereby ordains that the sections of the Town of Easton Zoning Ordinance set forth below be amended or added as hereinafter provided (Language to be deleted from the existing Ordinance is indicated in ~~strikethrough~~ format and language to be added is indicated by highlighted text):

(1) Revise Article I, Section 114 by amending the Definition of Town Planner to remove the reference to the Town Engineer.

~~Town Planner/Codes Administrator (or Town Planner (or Planner))~~ - The designee of the Town-Engineer ~~Manager~~ charged with the responsibility for administering the Town's planning and zoning programs.

(2) Revise Section 801 G (9) to clarify that minimum frontages are established on a case-by-case basis for PUD's.

(9) The setback, lot size, lot coverage, height, **minimum frontage**, and yard requirements shall be established for each individual project by the Town Council in the ordinance granting the application. The Planning Commission shall make recommendations to the Town Council with regard to these requirements.

(3) Amend the Section 1015.3 B of the Landscaping Standards to specify that Bradford Pear Trees are not acceptable in any location.

B. Species Selection: Acceptable plant species shall include most plant material native, or successfully introduced and available in the Mid-Atlantic region with the following exceptions:

1.	Pyrus calleryana 'Bradfordi'	Bradford Pear	not acceptable as street trees all locations
2.	Ginkgo biloba (female)		all locations
3.	Ailanthus altissima	Tree of Heaven	street trees only
4.	Sorbus acuparia	Mountain Ash	street trees only
5.	Acer rubrum 'October Glory'	Red Maple	street trees only
6.	Hybrid Poplar		limit to buffers, open spaces
7.	Lombardy Poplar		all locations
8.	White Birch		street trees only
9.	Morus alba	Mulberry	all locations
10.	Osage Orange		street trees only
11.	Black, Honey Locust(species only)		all locations

(4) Revise Section 1007 D to allow for the possibility of Consider a different standard for fence heights in industrial and commercial developments than what is required for residential uses and for decorative additions to the top of fences.

D. Fences, Walls, and Hedges may be located in the established yards as follows:

- (1) Fences, walls, and hedges, not exceeding at any point four (4) feet in height above the elevation of the surface of the ground, may be located in any front yard or court, but not beyond the front property line.
- (2) Fences, walls, and hedges not exceeding at any point eight (8) feet in height above the elevation of the surface of the ground, may be located in any rear yard or side yard area.
- (3) For through lots, fences, walls, and hedges, not exceeding at any point eight (8) feet in height above the elevation of the surface of the ground, may be located in the non-access front yard, but not beyond the front property line.

(4) In any commercial or industrial application, barbed wire may be affixed to

the top of an otherwise legal fence without respect to the height limitations applicable thereto.

- (5) A non-solid feature (e.g. lattice) not exceeding an additional two (2) feet in height may be added to the top of any otherwise legal fence.

(5) Revise Section 1101.5 D with regards to the Maximum size for off-site Banners for Non-Profit Organizations.

D. Banners

(1) All banners shall meet the following standards:

- a. On-site banners; exhibited for non-profit events or festivals shall not exceed sixty (60) square feet in area. Any such banner may be erected; fifteen (15) days prior to the event or festival. Banners shall be removed no later than three (3) days after the event or festival.
- b. Off-site banners; exhibited for non-profit events or festivals shall not exceed ~~thirty-two (32)~~ 200 square feet in area and are limited to two (2) off-site locations. Those off-site banners shall have the permission of the property owner on which the banner is erected and shall not make those properties be in non-conformance by the addition of off-site banners. Any such banner may be erected fifteen (15) days prior to the event or festival. Banners shall be removed no later than three (3) days after the event or festival.

(6) In accordance with the Easton Comprehensive Plan, Adopt the new Industrial and Business Commercial Zoning Districts

SECTION 408 ~~I-1~~ SELECT INDUSTRIAL BC BUSINESS COMMERCIAL DISTRICT

408.1 PURPOSE

408.1 PURPOSE

The purpose of this district is to provide areas for light industrial, service/business commercial and related uses which can operate in a clean and quiet manner. Certain public facilities needed to serve the district and adjoining residential and commercial districts are permitted. Regulations are designed to protect abutting or surrounding districts; to establish standards for intensity of use and to guide the character of development. In keeping with the purpose of this district, no use may be permitted which may be detrimental to the area because of odor, smoke, dust, fumes, fire, noise, explosion, or open storage.

408.2 DEVELOPMENT STANDARDS

The following minimum development standards shall be observed in the ~~I-1~~ BC District:

- A. The minimum lot size for all uses hereafter established shall be 40,000 square feet.
- B. Off-street parking shall be provided in accordance with the provisions of Section 1001.
- C. All lots hereafter established shall have a frontage on a public street or way of at least one hundred (100) feet.
- D. Minimum setbacks for all uses shall be as follows:
 - (1) Front - forty (40) feet from the property line.
 - (2) Side - ten (10) feet on each side of the property line (except for fences).
 - (3) Rear - thirty (30) feet from the property line (except for fences).
- E. Height limitations - thirty-five (35) feet.
- F. Building Envelope - All lots shall have a minimum building envelope of thirty (30) feet deep by eighty (80) feet wide.
- G. Lot coverage by all buildings and structures shall not exceed fifty (50%) percent of the lot area.
- H. There shall be no open storage on any lot or open areas, nor shall any products be displayed in open areas. All outside storage shall be adequately screened and landscaped in accordance with provisions of Section 1015 of this Ordinance.
- I. All on-site lighting unless approved otherwise by the Planning Commission shall be low cut-off shielded luminaries at 18' height and light shall not shine off-site at levels greater than 1 foot candle.
- J. All off-street loading and unloading areas shall be screened from view by permanent decorative screens or natural planting, either of which shall be a minimum of eight (8) feet in height, in accordance with the provisions of Section 1015 of this Ordinance.
- K. All areas not devoted to buildings or parking areas shall be landscaped and maintained in a suitable manner, in accordance with the provisions of Section 1015 of this Ordinance.
- L. Sidewalks shall be constructed along any public right-of-way (except for alleys) adjacent to the site along the entire frontage(s) of the property. To the extent practicable, walkways shall be constructed on the site to tie building entrances and/or pedestrian pathway systems into existing or proposed public sidewalk systems.

SECTION 409 I-2—GENERAL INDUSTRIAL DISTRICT

409.1 PURPOSE

The purpose of this district is to provide areas for industrial and related uses which can operate in a clean and quiet manner, with an emphasis on reserving land for uses of a truly industrial nature. Certain public facilities needed to serve the district and adjoining residential and commercial districts are permitted. Regulations are designed to protect abutting or surrounding districts; to establish standards for intensity of use and to guide the character of development. In keeping with the purpose of this district, no use may be permitted which may be detrimental to the area because of odor, smoke, dust, fumes, fire, noise, explosion, or open storage.

409.2 DEVELOPMENT STANDARDS

The following minimum development standards shall be observed in the I-4 District:

- A. The minimum lot size for all uses hereafter established shall be 40,000 square feet.
- B. Off-street parking shall be provided in accordance with the provisions of Section 1001.
- C. All lots hereafter established shall have a frontage on a public street or way of at least one hundred (100) feet.
- D. Minimum setbacks for all uses shall be as follows:
 - (1) Front - ~~forty (40)~~ twenty-five (25) feet from the property line.
 - (2) Side - ten (10) feet on each side of the property line (except for fences). A setback of twenty-five (25) feet shall be maintained from any adjacent residentially zoned property.
 - (3) Rear - thirty (30) feet from the property line (except for fences). A setback of twenty-five (25) feet shall be maintained from any adjacent residentially zoned property.
- G. Height limitations - ~~thirty-five (35)~~ forty (40) feet.
- H. Building Envelope - All lots shall have a minimum building envelope of thirty (30) feet deep by eighty (80) feet wide.
- G. Lot coverage by all buildings and structures shall not exceed fifty (50%) percent of the lot area.

- H. ~~There shall be no open storage on any lot or open areas, nor shall any products be displayed in open areas.~~ All outside storage areas shall be adequately screened and landscaped in accordance with provisions of Section 1015 of this Ordinance.
- I. All on-site lighting unless approved otherwise by the Planning Commission shall be low cut-off shielded luminaries at 18' height and light shall not shine off-site at levels greater than 1 foot candle.
- J. All off-street loading and unloading areas shall be screened from view by permanent decorative screens or natural planting, either of which shall be a minimum of eight (8) feet in height, in accordance with the provisions of Section 1015 of this Ordinance.
- K. All areas not devoted to buildings or parking areas shall be landscaped and maintained in a suitable manner, in accordance with the provisions of Section 1015 of this Ordinance.
- L. Sidewalks shall be constructed along any public right-of-way (except for alleys) adjacent to the site along the entire frontage(s) of the property. To the extent practicable, walkways shall be constructed on the site to tie building entrances and/or pedestrian pathway systems into existing or proposed public sidewalk systems.

In addition, Article II, Section 201 B the Table of Permissible Uses would be revised as per the following changes labeled below as “proposed”:

TABLE 2.1
TABLE OF PERMISSIBLE USES

USE	EXISTING			PROPOSED		NOTES
	I-1	I-2		BC (Business Commercial)	I	
A. RESIDENTIAL USES						
1. Bed and Breakfast *	--	--		--	--	
2. Boarding House	--	--		--	--	
3. Domiciliary Care	--	--		--	--	
4. Dwelling for Resident Watchman or Caretaker employed on premises	A	A		A	A	
4. Family Day Care *	--	--		--	--	
5. Granny Flats *	--	--		--	--	
6. Group Home For Developmentally Disabled Persons	--	--		--	--	
7. Home-based Business	--	--		--	--	

	EXISTING			PROPOSED		
USE	I-1	I-2		BC (Business Commercial)	I	NOTES
8. Home Occupations *	--	--		--	--	
9. Homeless Shelter *	SE	SE		SE	--	Also permitted w/in church facilities and may be permitted as a Temporary Use in any district.
10. Kennel *	--	--		--	--	
11. Large Private Group Home For Persons Suffering From a Mental Disability	--	--		--	--	
12. Manufactured Housing Subdivision or Parks *	--	--		--	--	Also possible via PUD in any zone.
13. Mobile Home	--	--		--	--	
14. Multifamily Dwellings (Apts/Condos/Townhouses) *	--	--		--	--	
15. Single Family Detached	--	--		--	--	
16. Small Private Group Home for Persons Suffering From a Mental Disability	--	--		--	--	
17. Specialized Group Home	SE	SE		SE	--	
18. Two family or Duplex *	--	--		--	--	
B. COMMERCIAL USES						
1. Adult Day Care	SE	SE		SE	--	
2. Adult Oriented Business*	P	--		P	--	
3. Animal Hospital or Veterinary Clinic*	SE	SE		P	--	
4. Antique Shops	--	--		--	--	
5. Appliance Stores	--	--		SE	--	
6. Auction Houses	--	--		SE	--	
7. Auto Supplies	--	--		SE	--	
8. Auto Sales or Showroom *	--	--		--	--	
9. Automotive Repair Garage *	SE	SE		SE	--	
10. Bakery	P	--		P	--	
11. Banks, Drive-Thru	SE	--		SE	--	
12. Banks, Brokers & Other Financial Institutions	--	--		--	--	
13. Bars or Taverns	--	--		--	--	
14. Bowling Alley	--	--		--	--	

	EXISTING			PROPOSED		
USE	I-1	I-2		BC (Business Commercial)	I	NOTES
15. Brew-pub *	--	--		--	--	
16. Bulk Mailing Services	P	SE		P	P	
17. Business Services	P	--		P	--	
18. Business Equipment Sales & Service	SE	--		P	--	
19. Candy, Nut, or Confections Store	--	--		--	--	
20. Car Wash	--	--		--	--	
21. Catalog Showrooms	--	--		P	--	
22. Catering*	P	--		P	--	
23. Christmas Tree Sales *	--	--		--	--	
24. Commercial Kennel *	SE	--		SE	--	
25. Commercial Stable	--	--		--	--	
26. Commercial Parking Lot or Garage	--	--		--	--	
27. Commercial Art	--	--		P	--	
28. Construction Equipment Sales or Rental	SE	P		SE	P	
29. Construction Supply & Services	--	SE		--	SE	
30. Contractor's Office w/ no outside storage	P	P		P	P	
31. Contractor's Office w/ outside storage	P	P		P	P	
32. Convenience Stores *	P	--		P	--	
33. Day Care, Group *	SE	SE		SE	--	
34. Day Care, Small Group *	SE	SE		SE	--	
35. Drive-in Theater	--	--		--	--	
36. Drug Stores	--	--		--	--	
37. Fabrics/Upholstery Stores	--	--		SE	--	
38. Farm Equipment, Trailer, or Boat sales & service	SE	--		SE	--	
39. Farmer's Cooperative	--	--		--	--	
40. Farmer's Market *	SE	SE		SE	--	Also possible as temporary use in these zones.
41. Formal Wear Rental	--	--		--	--	

	EXISTING			PROPOSED		
USE	I-1	I-2		BC (Business Commercial)	I	NOTES
42. Funeral Homes	--	--		--	--	
43. Furniture Sales or Rentals	SE	--		SE	--	
44. Gasoline/Service Station *	--	--		--	--	
45. Greenhouses, nurseries, etc.	--	--		--	--	
46. Grocery Store	--	--		--	--	
47. Hardware Stores/Home Improvements/Building Supplies	--	--		--	--	
48. Hotels/Motels *	--	--		--	--	
49. Liquor Stores *	--	--		--	--	
50. Major Retail *	--	--		--	--	Permitted as PUD only
51. Mall	--	--		--	--	
52. Marina	SE	SE		SE	SE	
53. Meat/Seafood Market	--	--		--	--	
54. Medical Services	P	--		P	--	
55. Memorial Stone Sales	--	--		P	--	
56. Mini-warehouses*	P	P		P	P	
57. Multiple Uses *	P	P		P	P	
58. Newspaper/Magazine Shop	P	--		P	--	
59. Office(s)*	P	--		P	--	
60. Personal Services	P	--		P	--	
61. Pet Shops	--	--		--	--	
62. Photography Studio	--	--		SE	--	
63. Residential Use in a Commercial Building *	--	--		--	--	
64. Restaurant, Fast Food	SE	--		SE	--	
65. Restaurant, Carry Out/Delicatessen	P	--		P	--	
66. Restaurant, Night Club	--	--		--	--	
67. Restaurant, Sit Down	SE	--		--	--	Restaurants with the appropriate license for off-site consumption of wine, may offer sealed bottles or cases of wine for sale provided that if this activity is desired, a Special Exception shall be

	EXISTING			PROPOSED		
USE	I-1	I-2		BC (Business Commercial)	I	NOTES
						required
68. Retail sales of goods not listed elsewhere in this Table, provided the Town Planner determines that there are no serious adverse traffic, access, or parking impacts.	--	--		--	--	
69. Retail Thrift or Outlet Store Operated by a Non-Profit Organization *	SE	--		SE	SE	
70. Shopping Center – campus style *	--	--		--	--	Permitted only in PUD District. ¹
71. Shopping Center – strip *	--	--		--	--	
72. Tattoo Parlor	--	--		--	--	
73. Travel Agent	--	--		--	--	
74. Video Cassette Rentals	--	--		--	--	
75. Viewing Booths and Live Viewing Booths	--	--		--	--	
76. Watch/Jewelry Sales & Repair	--	--		--	--	
77. Wayside Stands	--	--		--	--	
78. Wholesale, warehouse, storage, & distribution	P	P		P	P	
C. INSTITUTIONAL USES						
1. Cemeteries	--	--		--	--	
2. Civic, Service Clubs, & Fraternal Organizations	--	--		SE	--	
3. Community Centers or Civic Centers	--	--		SE	--	
4. Cultural Uses such as museums, clubs, lodges, etc.	SE	--		SE	--	
5. Fire, Rescue, or Police Stations	SE	SE		SE	SE	
6. Hospitals	--	--		--	--	Permitted only in CM District
7. Houses of Worship	SE	SE		SE	SE	
8. Jail or Temporary Detention Center	SE	SE		SE	SE	
9. Libraries	--	--		--	--	
10. Mega-Church	--	--		--	--	Permitted only as a PUD
11. Nursing Homes	--	--		--	--	
12. Post Offices/Non-Governmental Parcel or Delivery Service	SE	SE		SE	SE	

	EXISTING			PROPOSED		
USE	I-1	I-2		BC (Business Commercial)	I	NOTES
13. Research Facilities and Laboratories	SE	SE		SE	SE	
14. Retirement Community	--	--		--	--	
15. Schools, Colleges, & Universities	SE	SE		SE	SE	
16. Studios for the teaching of art, music, dance, drama, crafts, gymnastics or cheerleading, etc.	P	--		P	--	
D. RECREATIONAL/ENTERTAINMENT USES						
1. Archery Range	SE	SE		SE	--	
2. Arenas/Civic Centers	SE	--		SE	--	
3. Billiard Parlor/Pool Hall	--	--		--	--	
4. Bowling Alleys	--	--		--	--	
5. Carnivals/Circuses/Public Events	T	T		T	T	
6. Commercial Amusements or Recreation	--	--		--	--	
7. Fitness Centers/Health Spa/Figure Salon	--	--		--	--	
8. Ice/Roller Rink	--	--		--	--	
9. Indoor Pistol/Rifle Range	--	--		--	--	
10. Indoor Recreation Facilities for Swimming, Tennis, Basketball, etc. *	--	--		--	--	
11. Outdoor shooting sports such as Trap, Skeet, Sporting Clays, etc.	--	--		--	--	
12. Outdoor Recreation Areas such as Country Clubs, Golf, Tennis, or Swim Clubs *	--	--		--	--	
13. Parks and Recreation Areas	P	P		P	P	
14. Stadium	SE	--		SE	--	
15. Tent/Special Events	T	T		T	T	
16. Theater, Movie House, Cinema - Indoor	--	--		--	--	
E. INDUSTRIAL USES						
1. Airport	SE	SE		SE	SE	
2. Bakery, manufacturing	P	P		P	P	
3. Blacksmith Shop	SE	SE		SE	P	
4. Bottling or distribution stations for	P	P		P	P	

	EXISTING			PROPOSED		
USE	I-1	I-2		BC (Business Commercial)	I	NOTES
beverages						
5. Brick Yard	--	SE		--	SE	
6. Concrete Mixing	--	SE		--	SE	
7. Electric generating or steam power plant	SE	SE		SE	SE	
8. Feed and Grain Mill	--	SE		--	SE	
9. Forge or foundry works	--	SE		--	SE	
10. Industrial Park *	P	P		P	P	
11. Industry, heavy *	--	P		--	P	
12. Industry heavy w/ no potentially hazardous or commonly recognized offensive conditions *	--	SE		--	SE	
13. Industry, light *	P	P		P	P	
14. Machine shops & structural steel fabricating	P	P		P	P	
15. Meat packing or storage (excluding stockyards or slaughter houses)	--	SE		--	SE	
16. Micro-brewery	P	P		P	P	
17. Printing and publishing	P	P		P	P	
18. Research, experimental, or testing laboratories excluding high explosives, toxic, or radioactive materials	P	P		P	P	
19. Saw Mills	SE	P		SE	P	
20. Stone or monument works	--	SE		SE	--	
21. Storage, & distribution of Sand & Gravel	--	SE		--	SE	
22. Storage & sales of grain, livestock feed, & solid fuel	--	SE		--	SE	
23. Trucking & freight stations, terminals, & storage yards (excluding flammable liquids)	SE	P		SE	P	
24. Underground storage & distribution of inflammable liquids	--	SE		--	SE	
25. Warehousing, storage & distribution	P	P		P	P	
26. Welding shops	SE	SE		SE	SE	
27. Wholesale and retail sales of products manufactured or stored on the premises in conjunction with any other principal permitted use	P	P		P	P	

	EXISTING			PROPOSED		
USE	I-1	I-2		BC (Business Commercial)	I	NOTES
F. MISCELLANEOUS USES						
1. Agriculture *	P	P		P	P	
2. Buildings in excess of height or size limitations	--	--		--	--	
3. Garage or yard sales *	--	--		--	--	
4. Garage, private or shed *	--	--		--	--	
5. Helipads	A	A		A	A	Permitted only as Accessory Uses to airports, hospitals, police stations, or other public services.
6. Mobile Medical Facility	T	--		T	--	Also possible Temporary Use in the CM District.
7. Other uses, not listed elsewhere, that are clearly incidental and customary to and associated with a permitted use.	A	A		A	A	
8. PODS*	P	P		P	P	
9. Public Utilities	P	P		P	P	
10. Radio or television stations	SE	SE		SE	--	
11. Recycling Processing Center	SE	P		SE	P	
12. Recycling Collection Station	P	P		P	P	
13. Sewage treatment plants	SE	SE		SE	SE	
14. Small Wind Energy Turbine *	--	--		--	--	
15. Solar Panels *	--	--		--	--	
16. Solid waste landfill	--	SE		--	SE	
17. Special Office Use *	--	--		--	--	
18. Stable or barn	--	--		--	--	
19. Storage of boats, travel trailers, motorcycles, jet-skis or similar recreationally used vehicles *	--	--		--	--	
20. Storage Trailers	--	--		--	--	
21. Swimming Pool *	--	--		--	--	This use refers to private swimming pools accessory to residential uses, as opposed to a public or quasi-public swimming pool.
22. Temporary Sales at the location of non-profit organizations	T	T		T	T	The maximum duration of such sales shall be three days. No good may be

	EXISTING			PROPOSED		
USE	I-1	I-2		BC (Business Commercial)	I	NOTES
						sold which is prohibited to be sold in general in the Town of Easton.
23. Tower *	P	--		P	P	
24. Visitor Center	--	--		--	--	

In accordance with Article II Section 9 of the Easton Town Charter, this ordinance shall become effective twenty (20) calendar days after approval by the Mayor or passage of this ordinance by the Council over the Mayor's veto.

Malone -
Leshner -
Wendowski -
Cook -
Ford -

I hereby certify that the above Ordinance was passed by a yea and nay vote of the Council this _____ day of _____, 2012.

John F. Ford, Town Council President

Delivered to the Mayor by me this _____ day of _____, 2012.

Kathy Ruf, Town Clerk

APPROVED:

Date: _____

Robert C. Willey, Mayor

EFFECTIVE DATE: _____, 2012.